

REMARKS

The Specification has been amended to claim continuation status of co-pending U.S. Patent Application Serial Number 09/026,085, filed February 19, 1998. The priority claim has been amended to delete continuation status based upon applications filed before the parent case.

Claims 1-73 have been canceled. New claims 74-106 have been submitted. Of these, claims 74, 90, 104 and 105 are independent apparatus claims.

This continuation application is being entered for the purpose of adding additional inventors to the inventor listed in the parent application. More particularly, inventors David Utle and Ronald Lax have been added.

The parent case will be abandoned by not responding to the Office Action due for response on August 8, 2001.

A new Terminal Disclaimer is submitted herewith, signed on behalf of the assignee of record, Curon Medical, Inc., as recorded at Reel 011567 and Frame 0469. The Terminal Disclaimer was required by the Examiner during prosecution of the parent application (U.S. Patent Serial No. 09/026,085, Examiner M. Peffley, Group 3739).

The assignment to Curon Medical, Inc. of Application Serial No. 09/007,238 (the '238 Application), filed January 14, 1998, as set forth in the new Terminal Disclaimer, is also recorded at Reel 011567 and Frame 0469.

The Terminal Disclaimer filed in the parent case contained a clerical error and is thereby withdrawn. The clerical error was in referring to Stuart Edwards as the owner of the parent application and the '238 Application instead of Conway-Stuart Medical, Inc. (now renamed Curon Medical, Inc.).

Entry of the foregoing Preliminary Amendment is respectfully requested.

Continuation Application of
Serial No. 09/026,085
Preliminary Amendment

Respectfully submitted,

By


Daniel D. Ryan

Registration No. 29,243

RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226-0618
(262) 783-1300
August 7, 2001
026085pa.CON.ddy

09/026,085pa.CON.ddy

Continuation Application of
Serial No. 09/026,085
Preliminary Amendment

Marked-Up Version of Amended Paragraph

This application is a continuation of co-pending US. Patent Application Serial No. 09/026,085, filed February 19, 1998 [continuation-in-part of U.S. Patent Application Serial No. 08/731,372, filed October 11, 1996, which is a continuation-in-part of U.S. Patent Application Serial No. 08/319,373, filed October 6, 1994, which is a continuation-in-part of U.S. Application No. 08/286,862, filed August 4, 1994, which is a continuation-in-part of U.S. Patent Application Serial No. 08/272,162, filed July 7, 1994, which is a continuation-in-part of U.S. Patent Application Serial No. 08/265,459, filed June 24, 1994, and is related to concurrently filed Application entitled "GERD Treatment Apparatus and Method" identified as Attorney Docket 14800-748, all with named inventor Stuart D. Edwards, and all of which are incorporated herein by reference].